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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,995	06/23/2003	Richard D. Dettinger	ROC920030158US1	9828
46797	7590	12/03/2012	EXAMINER	
IBM CORPORATION, INTELLECTUAL PROPERTY LAW			JUNG, ALLEN J	
DEPT 917, BLDG. 006-1			ART UNIT	PAPER NUMBER
3605 HIGHWAY 52 NORTH				3628
ROCHESTER, MN 55901-7829				
			MAIL DATE	DELIVERY MODE
			12/03/2012	PAPER

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* RICHARD D. DETTINGER and RICHARD J.  
STEVENS

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Appeal 2010-008381  
Application 10/601,995  
Technology Center 3600

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Before MURRIEL E. CRAWFORD, HUBERT C. LORIN, and  
ANTON W. FETTING, *Administrative Patent Judges*.

CRAWFORD, *Administrative Patent Judge*.

DECISION ON APPEAL

## STATEMENT OF CASE

Appellants seek our review under 35 U.S.C. § 134 from the Examiner's final rejection of claims 1-37, 46-53, and 55-74. We have jurisdiction under 35 U.S.C. § 6(b).

## SUMMARY OF THE DECISION

We affirm.

## BACKGROUND

Appellants' invention is directed to accessing data through a logical framework. (Spec., para. [0002]).

Claim 1 is illustrative:

1. A computer implemented method of providing fee-based access to data, comprising:

providing an abstract model for logically defining abstract operations to access the data, the abstract model comprising:

(i) a plurality of logical fields;

(ii) a mapping rule for each of the plurality of logical fields, which map the plurality of logical fields to physical entities of the data, and wherein each mapping rule comprises an access method which is executed to retrieve a respective physical field of the physical entities of the data; and

(iii) a fee schedule for each of the plurality of logical fields, wherein each fee schedule for a given logical field defines a fee to be charged when the given logical field is involved in an abstract operation to access a physical entity corresponding to the given logical field; and

executing a fee calculator on a computer processor to calculate, based on the fee schedules, a fee to be charged for accessing the data.

Lyons	US 4,989,141	Jan. 29, 1991
Coutts	US 2002/0073066 A1	Jun. 13, 2002
Rao	US 2003/0110087 A1	Jun. 12, 2003

Appellants appeal the following rejections:

Claims 70-74 are rejected under 35 U.S.C. § 101 as claiming non-statutory subject matter.

Claims 1-37, 46-50, and 55-74 are rejected under 35 U.S.C. § 103(a) as unpatentable over Coutts in view of Rao.

Claims 51-53 are rejected under 35 U.S.C. § 103(a) as unpatentable over Coutts, Rao, and Lyons. (Ans. 21).

## ANALYSIS

Initially, we find that the Examiner responded to all of Appellants' Appeal Brief arguments fully and with factual findings we have verified. Those findings support the Examiner's reasoning for the rejections. Accordingly, we adopt the Examiner's findings of fact, analysis and response to arguments from Answer 3-28, and we reach similar legal conclusions. Thus, we focus our analysis on Appellants' Reply Brief argument.

We are not persuaded of error by Appellants' argument that Rao can only set prices based on data retrieved from fields, in contrast to the claimed invention where prices may be determined based on the fields referenced by the query prior to retrieving data. (App. Br. 15-19, Reply Br. 4). The Appellants conclude that Rao does not disclose that "each fee schedule for a given logical field defines a fee to be charged when the given logical field is

involved in an abstract operation to access a physical entity corresponding to the given logical field” as recited in claim 1. Rao discloses “tiered fees within each license to access different levels of data; that is a first fee to access preview data and an additional fee to access full data.” (para. [0070]). Rao’s Figure 2 discloses preview data in each field of columns 34A through 34G, with links to full physical image data in the fields of column 34H, as follows.

The diagram illustrates the relationship between columns 34A through 34H and a data table. Above the table, arrows point from 34A, 34B, 34C, 34D, 34E, and 34F to the first six columns of the table. From the last column of the table, arrows point back to 34G and 34H, indicating a link from the detailed preview data in the table to the full physical image data in 34G and 34H.

	34A	34B	34C	34D	34E	34F	34G	34H
	DATA SHOOT ID	DATA DESCRIPTION	DATA PROVIDER & TERMS	COLLECTION DATE	RELATED DATA LINK	DATA USAGE INFORMATION	DATA QUALITY INFORMATION	DATA
33A	GCI	GULF COAST MARINE AREA ABC: 1000 SQUARE MILES; 3D	ABC COLLECTOR; LICENSED UNDER XYZ TERMS & CONDITIONS	01/01/1998-03/01/1998	LINK TO UPDATE SHOOT	(USAGE INFORMATION BY USER AND DATA UNIT)	QUALITY INFORMATION	(LINK TO DATA SET)
33B	ME3	MIDDLE EAST LAND AREA: 1500 SQUARE MILES; 4D	DEF OWNER: PURCHASED UNDER QRS TERMS & CONDITIONS	01/01/1999-06/01/1999	LINK TO COMPETITIVE SHOOT; LINK TO UPDATE SHOOT	(USAGE INFORMATION BY USER AND DATA UNIT)	QUALITY INFORMATION	(LINK TO DATA SET)

Figure 2 of Rao showing preview fields in columns 34A-F and full data associated with fields in column 34F

Therefore, using Figure 2 of Rao as exemplary, Rao discloses the concept of one fee for access to the data in preview fields in columns 34A through 34F and a different fee for access to data accessed through the link in column 34G. This corresponds to the claim limitation requiring a fee schedule for each of the plurality of logical fields.

For foregoing reasons, we affirm the rejection of claims 70-74 under 35 U.S.C. § 101 and claims 1-37, 46-50, and 55-74 under 35 U.S.C. § 103(a), as well as dependent claims 51-53, separately rejected under 35 U.S.C. § 103(a) but argued only with respect to the rejection of claim 46, above. (Reply Br. 4).

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DECISION

We affirm the rejection of claims 70-74 under 35 U.S.C. § 101. We affirm the rejections of claims 1-37, 46-53, and 55-74 under 35 U.S.C. § 103(a).

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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